



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR  
MARTIN J. WALSH

August 10, 2015

**TO THE CITY COUNCIL**

Dear Councilors:

I transmit herewith for your approval an Ordinance regarding recreational vehicles within the City of Boston. The purpose of this Ordinance is to empower the City to police owners and operators of recreational vehicles that have become a public nuisance by exhibiting a notorious atmosphere of criminal and other disturbing activity so elevated as to endanger the common good and general welfare of the City.

Section 25 of G.L. c. 90B prohibits "recreation vehicles," including dirt bikes and other off-highway motorcycles, from operating on public ways in the Commonwealth. This Ordinance further prohibits the hazardous operation of all motorized conveyances, including recreational vehicles, on any public space within the City and allows for enforcement by the Boston Police Department to reduce the threat to the safety of pedestrians and motorists alike, created by such operation.

Additionally, Section 22 of G.L. c. 90B requires that all recreational vehicles be registered with the Boat, Recreation Vehicle & Snowmobile Registration Bureau and that a valid registration number must be displayed on the vehicle. This ordinance also prohibits the storage of more than one (1) unregistered recreational vehicle, unless such vehicles are stored within a fully-enclosed building or stored, parked, or displayed on property duly licensed in accordance with G.L. c. 140 §§ 57 through 69.

I urge your Honorable Body to act favorably on the proposed Ordinance.

Sincerely,

Martin J. Walsh  
Mayor of Boston

# CITY OF BOSTON

## IN CITY COUNCIL

*Be it ordained by the City Council of Boston, as follows that the City of Boston Code be amended by adding the following ordinance:*

SECTION 1. City of Boston Code, Ordinances, Chapter XVI is hereby amended by inserting after Section 16-58 the following new ordinance:--

16-59 AN ORDINANCE REGARDING RECREATIONAL VEHICLES IN THE CITY OF BOSTON.

### **16-59 Recreational Vehicles.**

#### *a. Definitions.*

1. *Recreational Vehicle* is any motor vehicle designed or modified for use over unimproved terrain for recreation or pleasure including, but not limited to, all-terrain vehicles, off-highway motorcycles, dirt bikes, and recreation utility vehicles.
2. *Motorized Conveyance* is any wheel device used to carry persons or property which is powered by any means other than muscular power alone.

*b. Recreational vehicle registration.* Pursuant to M.G.L. c. 90B, § 22, no recreational vehicle, as defined by M.G.L. c. 90B, § 20, may be operated unless it is registered with the Boat, Recreation Vehicle & Snowmobile Registration Bureau and a valid registration number is displayed on the vehicle.

#### *c. Unregistered vehicles.*

1. No person shall place, store, or keep more than one (1) unregistered motorized conveyance that, in order to be operated, is required to be registered under the laws or regulations of the Commonwealth of Massachusetts, including but not limited to M.G.L. c. 90B, upon public or private land zoned for residential purposes of six (6) or fewer residential units.
2. This section shall not apply to vehicles stored within a fully-enclosed building or to vehicles stored, parked, or displayed on property duly licensed in accordance with M.G.L. c. 140, §§ 57 through 69.

*d. Property of Another.* No person shall operate, maintain or possess a recreational vehicle upon the property of another without written permission of the land owner on their person.

*e. Hazardous Operation.* No person shall engage in trick or stunt riding upon any public space in the City upon any motorized conveyance, including recreational vehicles.

1. An operator of any motorized conveyance, including a recreational vehicle, shall not cause such vehicle to ride with its front wheel or wheels raise from the surface of the road or ground while operated in any public space.
2. An operator of any motorized conveyance, including a recreational vehicle, shall not cause such vehicle to ride with its rear wheels raised from the surface of the road or ground while operated in any public space.
3. An operator of any motorized conveyance, including a recreational vehicle, shall not cause any side wheels of such vehicle to raise from the surface of the road or ground while operated in any public space.
4. An operator of any motorized conveyance, including a recreational vehicle, shall not ride such vehicles with his or her feet or knees planted on the seat while operating in any public space.
5. An operator of any motorized conveyance, including a recreational vehicle, shall not operate such vehicle in a manner commonly associated with trick or stunt riding.
6. An operator of any motorized conveyance, including a recreational vehicle, shall not operate such vehicle with a passenger if designed for a single rider.
7. No passenger shall ride upon any motorized conveyance, including a recreational vehicle, that is designed for a single rider.
8. An operator of any motorized conveyance, including a recreational vehicle, shall not operate such vehicle with a passenger sitting or riding upon the handle bars or forward of the operator.

f. *Penalties.* A violation of CBC 16-59 shall be subject to a fine of \$250 for the first violation, and for a second or subsequent offense, by a fine of \$300.

g. *Enforcement and regulatory authority.* The Commissioner of the Boston Police Department, shall have the authority to enforce these sections and to promulgate rules and regulations necessary to implement and enforce these sections. Additionally, the Commissioners of the Inspectional Services Department, the Public Works Department and the Boston Transportation Department shall also have authority to enforce section c (Unregistered Vehicles) and d (Property of Another) herein. The provisions of M.G.L. c. 40, s. 21D may be used to enforce this section. The Boston Police Department shall have the authority to impound any vehicle in violation of these sections. The Boston Police Department shall have the authority to enter upon and pass through or over private lands and property whether or not covered by water, to enforce this CBC.

h. *Applicability.* If any provision of these sections imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, order, or policy, then the provisions of these sections shall control.

i. *Severability*. If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

I HEREBY CERTIFY THAT  
THE FOREGOING, IF PASSED IN  
THE ABOVE FORM, WILL BE IN  
ACCORDANCE WITH LAW.

BY Eugene L. O'Flaherty  
EUGENE L. O'FLAHERTY  
CORPORATION COUNSEL

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